

REMARKS/ARGUMENTS

The Office Action mailed July 25, 2006 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1- 35 are pending in the application. Claims 1, 20, and 35 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Claims 16 – 19 have been canceled. Support for the amendments is found in the specification, drawings, and claims as originally filed. Applicants therefore, respectfully submit that the amendments do not add new matter.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

Specification

Applicants respectfully submit that the amendment filed 01/19/05 is not governed by 37 CFR 1.57. Applicants do not seek to incorporate material by reference.

The 35 U.S.C. § 101 Rejection

Claims 16-19 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

In response applicants have canceled claims 16 – 19.

The First 35 U.S.C. § 102 Rejection

Claims 1-35 were rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by Microsoft¹. This rejection is respectfully traversed.

Applicants respectfully submit that claim 1, as amended, is not anticipated or rendered obvious by Microsoft. Claim 1 includes the following limitations.

A method for automatically distributing a software update to a network of devices controlled by an organization, the method comprising:

receiving application and system information from one or more inoculation clients installed on said devices, said receiving performed via peer-to-peer communication;

comparing said application and system information with application and version information in a global update repository to determine if an update exists for a corresponding application controlled by an inoculation client, the global update repository including updates from multiple application manufacturers;

queueing said update if an update exists for an application controlled by an inoculation client;

receiving a communication from said corresponding inoculation client checking for available distribution jobs; and

automatically transmitting said update to said corresponding inoculation client in response to said receiving a communication if an update exists for an application controlled by said corresponding inoculation client.

(Amended claim 1) (Emphasis added)

Applicants respectfully submit that Microsoft does not include the limitation of a global update repository that includes updates from multiple application manufacturers. A thorough reading of Microsoft discloses that the systems described apply only to Microsoft applications.

For example, Microsoft discloses the following.

“This section describes the products and utilities developed by Microsoft to help its customers deploy software updates...”

¹ Microsoft White Paper, “Understanding Patch and Update Management: Microsoft’s Software Update Strategy”, Microsoft Corporation, pages i-iii, 1-14, October 2003

“Windows Update is the online extension of Windows that helps keep computers up-to-date. Windows Update currently supports Windows 98, Windows Millenium Edition, Windows 2000, Windows XP, and Windows Server 2003.”

(Microsoft, page 7, lines 1-2 and 7 – 10) (Emphasis added)

“Office Update is similar in concept to Windows Update; however, it is restricted to updates for the Office Product Suite”

(Microsoft, page 8, lines 28-29)

These sections of Microsoft and a thorough reading of the entire reference makes clear that Microsoft is describing nothing more than a single application manufacturer providing software updates and security patches for its products and customers. This scheme and the disadvantages thereof are described in the background section of the specification.

In contrast the amended claims make clear that updates from multiple application manufacturers are included in a global update repository.

Moreover, Microsoft does not disclose a system for automatically distributing the updates. Rather a user must browse through available updates and select an update for installation. Again, this is simply the prior art with its disadvantages.

For these reasons applicants respectfully submit that claim 1, as amended is not anticipated by Microsoft. These reasons apply equally to amended claim 20 which includes the discussed limitations.

As to dependent claims 2-15, and 21-34, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

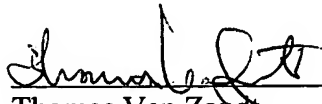
If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

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Thomas Van Zandt
Reg. No. 43,219

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040